

**FISCAL NOTE**  
 LEGISLATIVE FISCAL ANALYST ESTIMATE

<b>ESTIMATE OF FISCAL IMPACT – STATE AGENCIES</b> (See narrative for political subdivision estimates)				
	<b>FY 2020-21</b>		<b>FY 2021-22</b>	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS				

**Any Fiscal Notes received from state agencies and political subdivisions are attached following the Legislative Fiscal Analyst Estimate.**

This bill would change penalty and statute of limitation provisions relating to public assistance violations.

It increases both misdemeanor and felony penalties for various dollar amounts of public assistance violations as follows:

Current Amount	New Amount	Current Penalty	New Penalty
(a) Less than \$500	(a) \$500 or less	Class IV misdemeanor	Class II misdemeanor
(b) \$500 or more but less than \$1,500	(b) More than \$500 but less than \$1,500	Class III misdemeanor	Class I misdemeanor
(c) \$1,500 or more	(c) \$1,500 or more but less than \$5,000	Class IV felony	Class IV felony
(d) Same as (c) above	(d) \$5,000 or more	Class IV felony	Class IIA felony

- (a) Class IV misdemeanor: Maximum — no imprisonment, five hundred dollars fine; Minimum — none  
 Class II misdemeanor: Maximum — six months imprisonment, or one thousand dollars fine, or both; Minimum — none
- (b) Class III misdemeanor: Maximum — three months imprisonment, or five hundred dollars fine, or both; Minimum — none  
 Class I misdemeanor: Maximum — not more than one year imprisonment, or one thousand dollars fine, or both; Minimum — none
- (c) Class IV felony: Maximum — two years imprisonment and twelve months post-release supervision or ten thousand dollars fine, or both; Minimum — none for imprisonment and none for post-release supervision
- (d) Class IIA felony: Maximum — twenty years imprisonment; Minimum — none

These changes could impact both the state prisons and the county jails.

If the impact of this bill is to increase the prison population, then the Department of Correctional Services (DCS) could incur additional per diem costs. The FY19 per diem cost for an individual inmate was \$9,408 per year, which includes DCS inmates in county jails.

Increasing the prison population could also increase prison overcrowding. As of February 2020, the prison population was 156% of design capacity, or 159% if DCS inmates housed in county jails are included.

DCS states that this bill could increase the number of persons in prison, but the specific fiscal impact is indeterminable.

This fiscal note uses *design capacity* but the DCS attached response uses *operational capacity*. Design capacity is the number of inmates that planners or architects intended for the facility. Operational capacity is the number of inmates that can be accommodated based on a facility's staff, existing programs, and services.

The Supreme Court estimates a minimal fiscal impact from the provisions of this bill.

This bill could also impact county jails. Misdemeanor sentences are generally served in county jails if jail time is imposed. If the impact of this bill is to increase the number of people serving time in county jails by more than current law, this could result in additional costs to counties.

The misdemeanor penalties under this bill also carry the possibility of a fine being imposed. Any fines assessed pursuant to convictions will accrue to the county where the violation occurs to be used for the support of public schools.

The Class IV felony also carries the possibility of a fine being imposed but the Class IIA felony does not have a fine attached to it. This bill limits the dollar amount that carries the Class IV felony to \$1,500 but less than \$5,000, and current law is \$1,500 or more. This could reduce the amount of fines that are assessed.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
<b>LB: 793 Revised</b>	<b>AM:</b>	AGENCY/POLT. SUB: <b>Nebraska Department of Correctional Services (046)</b>
REVIEWED BY: Joe Wilcox	DATE: 1/23/2020	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Nebraska Department of Correctional Services (NDCS) estimate of potential, but Indeterminate Fiscal impact to the Agency from LB 793.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
<b>LB: 793</b>	<b>AM:</b>	AGENCY/POLT. SUB: <b>Nebraska Supreme Court (005)</b>
REVIEWED BY: Joe Wilcox	DATE: 2/20/2020	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Nebraska Supreme Court estimate of No Fiscal impact to the Agency from LB 793.		

Please complete ALL (5) blanks in the first three lines.

**2020**

**LB<sup>(1)</sup> 793 (REVISED fiscal note)**

**FISCAL NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup> Nebraska Department of Correctional Services

Prepared by: <sup>(3)</sup> Lisa Stanton Date Prepared: <sup>(4)</sup> 01/22/2020 Phone: <sup>(5)</sup> (402)479-5702

**ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION**

	<u>FY 2020-21</u>		<u>FY 2021-22</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
<b>TOTAL FUNDS</b>	<b>=====</b>	<b>=====</b>	<b>=====</b>	<b>=====</b>

**Explanation of Estimate:**

LB 793 changes penalty and statute of limitations provisions relating to public assistance crimes. The bill could increase the number of persons in prison. The specific amount of impact is indeterminable.

As of October – December 2019, the prison population was 117% of operational capacity. Additionally, DCS contracts with some counties to temporarily house prison inmates. If those inmates are included in the prison population numbers, then the prison population would be 119% of operational capacity. The FY19 per diem cost for an individual inmate was \$9,408 per year, which includes DCS inmates in county jails.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

**Personal Services:**

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2020-21</u>	<u>2021-22</u>
	<u>20-21</u>	<u>21-22</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
<b>TOTAL.....</b>	<b>_____</b>	<b>_____</b>	<b>_____</b>	<b>_____</b>

Please complete ALL (5) blanks in the first three lines.

**2020**

**LB<sup>(1)</sup> 793**

**FISCAL NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup> 05 Supreme Court

Prepared by: <sup>(3)</sup> Eric Asboe Date Prepared: <sup>(4)</sup> 2/17/20 Phone: <sup>(5)</sup> 1-4138

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2020-21</u>		<u>FY 2021-22</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	=====	=====	=====	=====

Explanation of Estimate:

Minimal fiscal impact to provide judicial education.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2020-21</u>	<u>2021-22</u>
	<u>20-21</u>	<u>21-22</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____